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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,400

Applicant(s)

CONNELLY, JAY H.

Examiner

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/3/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 and 14-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to adequately traverse facts Official noticed in the previous Office action constitutes an admission of the facts noted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 12, 14, 15, and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0117831 to Ellis et al. (hereinafter "Ellis").

With regard to claims 1 and 20, Ellis discloses a computing device (26, fig. 1, ¶0098) comprising a machine readable medium and a processor, the machine readable medium including instructions which when executed by the processor cause the processor to perform operations, and corresponding method comprising: receiving a plurality of streaming content description data (TV listings, ¶0086) about a plurality of streaming content (¶0099); receiving a plurality of stored content descriptions data about a plurality of stored content (VOD selections, ¶0086); and, providing a program guide including at least some of the streaming content description data and at least some of the stored content description data

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(¶0114, ¶0089), wherein the program guide data includes a menu of the plurality of stored content (fig. 6); and allowing a user to select a stored content from the plurality of stored content to be viewed at any time by selecting the stored content from the menu (where VOD selections are inherently available at any time).

As for claims 2 and 21, Ellis discloses the system and corresponding method of claims 1 and 20, further comprising: receiving a request to present the selected stored content (¶0126).

As for claims 3 and 22, Ellis discloses the system and corresponding method of claims 1 and 20 further comprising: receiving a request to provide a plurality of details about a selected stored content (¶0128).

As for claims 4 and 23, Ellis discloses the system and corresponding method of claims 1 and 20 further comprising receiving a request to present a selected streaming content (¶0175).

As for claims 5 and 24, Ellis discloses the system and corresponding method of claims 1 and 20 further comprising receiving a request to provide a plurality of details about a selected streaming content (¶0128).

With regard to claim 12, Ellis discloses a system comprising: a coordinator (processor, ¶0100) to receive a plurality of streaming content description data about a plurality of streaming content (TV listings, ¶0086); at least one content manager (EPG, ¶0114) to provide to the coordinator a plurality of stored content descriptions about a plurality of stored content (VOD selections, ¶0086), wherein the coordinator to provide a program guide listing at least some of the streaming content data description

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data, at least some of the stored content description data and a menu of the plurality of stored content (§0114, §0089) and wherein a user may select a stored content from the plurality of stored content to be viewed at any time by selecting the stored content from the menu (§0126).

As for claim 13, Ellis discloses the system of claim 12, wherein the coordinator provides a program guide based on the streaming content description data and the stored content description data (§0128).

As for claim 14, Ellis discloses the system of claim 12, wherein the coordinator invokes the content manager (EPG) to present a user selected content (§0128).

As for claim 15, Ellis discloses the system of claim 14 wherein the user selected content is one of the plurality of streaming content or one of the plurality of stored content (§0128).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang.

As for claims 7 and 9, Ellis discloses the methods of claims 2 and 4, but fails to explicitly disclose decompressing the stored content and streaming content.

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Official notice is taken of the fact that it is well known in the art to store and stream television programs in compressed form, and to decompress said programs prior to viewing, for the purpose of minimizing required storage space and transmission bandwidth.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis to include decompressing the stored content and streaming content, for the purpose of minimizing required storage space and transmission bandwidth.

As for claims 10, 11, 18, and 19 Ellis fails to disclose receiving a content manager update and receiving a new content manager.

Official notice is taken of the fact that it is well known in the art to replace or update EPG software in a set-top box for the purpose of upgrading older software to a newer, improved version.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis to include receiving a content manager update and receiving a new content manager, for the purpose of upgrading older software to a newer, improved version.

With regard to claims 6 and 8, Ellis discloses the methods of claims 2 and 4. However, Lang fails to disclose decrypting the stored content and decrypting the streaming content.

Examiner takes Official notice of the fact that it is well known in the art to encrypt both streaming and stored media content in order to limit access to said content to authorized viewers, and likewise it is well known in the art for content receivers such as set-top boxes to include decryption means to decrypt encrypted media content when appropriate, for the purpose of permitting authorized users to enjoy encrypted content.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis to include decrypting the stored content and decrypting the streaming content, for the purpose of permitting authorized users to enjoy encrypted content in a multimedia distribution system.

With regard to claims 16 and 17, Ellis discloses the system of claim 12 wherein the coordinator and/or content manager comprise a presentation component (graphics adapter 70, fig. 1, p. 9, ll. 2-26); and a decompression component (decoder 66, fig. 1, p. 9, ll. 18-19). Lang fails to disclose a decryption component.

Examiner takes Official notice of the fact that it is well known in the art to encrypt both streaming and stored media content in order to limit access to said content to authorized viewers, and likewise it is well known in the art for content receivers such as set-top boxes to include decryption means to decrypt encrypted media content when appropriate, for the purpose of permitting authorized users to enjoy encrypted content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis to include a decryption component, for the purpose of permitting authorized users to enjoy encrypted content in a multimedia distribution system.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

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Signature: _____

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(Date)

Typed or printed name of person signing this certificate:

Signature: _____


Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached between 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached at (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611



HAI TRAN
PRIMARY EXAMINER